

Tuesday, September 18, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**Consent Agenda – Review and Approval:**

**1-12.** This is the time set for consideration of the Consent Agenda.

**Chairperson Patterson:** opens the floor to public comment without response.

The action taken for Consent Agenda items 1 through 12 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Consent Agenda - County Fire Items:**

1. Request to approve a renewal agreement between Allan Hancock Joint Community College District and County Fire to provide instruction in firefighting and related subjects.

**The Board approves as recommended by the County Administrative Officer.**

2. Request to approve a budget adjustment in the amount of \$50,000 in Fund Center 140 – County Fire to purchase an Advanced Life Support (ALS) defibrillator/monitor and various medical supplies and equipment, and to amend the Fixed Asset List to add an ALS defibrillator/monitor for use at Carrizo Plain Station 42, to be paid for by First Solar, Inc. under the County’s temporary service contract to provide ALS level service during construction of the Topaz Solar Farm.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - District Attorney Items:**

3. Request to authorize the District Attorney to sign a grant renewal agreement (Clerk’s File), on the Board’s behalf, with the California Emergency Management Agency (CalEMA) in the amount of \$116,420 for the continuing administration of an Underserved Victim Advocacy and Outreach Program serving elder victims of crime for Fiscal Year 2012-13.

**The Board approves as recommended by the County Administrative Officer.**

4. Request to approve a renewal grant agreement for FY 2012-13 in the amount of \$62,254 to participate in the State’s Workers’ Compensation Insurance Fraud Prosecution and Investigation Program and approve resolution authorizing the District Attorney to sign the State agreement and other grant related documents.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-234, adopted.**

5. Request to approve a renewal grant agreement for FY 2012-13 in the amount of \$50,000 to participate in the State's Automobile Insurance Fraud Prosecution and Investigation Program and approve a resolution authorizing the District Attorney to sign the State agreement and other grant related documents.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-235, adopted.**

**Consent Agenda - General Services Agency Items:**

6. Request to approve a contract in the amount of \$186,576 with Fluid Resource Management for water/wastewater systems management at the Lopez Lake Recreational Area. District 4.

**The Board approves as recommended by the County Administrative Officer.**

7. Submittal of a resolution to accept a \$10,000 National Recreation and Parks Association, Recreational Boating and Fishing Foundation - Take Me Fishing™ grant to provide interpretive supplies, outdoor education equipment and fund staff time for programs that engage youth and families in recreational fishing and boating. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-236, adopted.**

8. Submittal of a resolution authorizing execution of a Notice of Completion and Acceptance for construction of the new Creston Fire Station. District 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-237, adopted.**

**Consent Agenda - Health Agency Items:**

9. Request to approve a renewal contract (Clerk's File) with Sanford L. Friedlander, M.A., L.P.T., L.M.F.T. for FY 2012-13 in the amount of \$491,886 to provide mental health crisis intervention services.

**The Board approves as recommended by the County Administrative Officer.**

10. Request to: 1) authorize a budget adjustment in the amount of \$351,185 from the AB109 Trust Fund to Fund Center 184 - Law Enforcement Medical Care, and 2) approve a resolution amending the position allocation list for Fund Center 184, adding one full time and one half time Mental Health Therapist II or Licensed Vocational Nurse positions.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-238, adopted.**

**Consent Agenda - Public Works Items:**

11. Submittal of bid opening report for Maria Vista Estates, Phase 3 Improvements, Nipomo, to award the subject contract to T. Simons Co., Inc., the lowest responsible bidder, in the amount of \$544,427.16, Contract No. 300435. District 4.

**The Board approves as recommended by the County Administrative Officer.**

12. Request to amend the Solid Waste Collection Franchise Agreements for Mission Country Disposal, South County Sanitary Services and San Luis Garbage Company to extend the period for collected green waste to be used as Alternative Daily Cover. Districts 2, 3 and 4.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

13. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Mr. Eric Greening and Ms. Julie Tacker:** address various comments and concerns regarding the proposed seismic testing near the Diablo Canyon Power Plant.

**Dr. C. Hite:** presents a video of whales.

**Ms. Gwynn Taylor, Mr. Ben DiFatta, Ms. Piper Reilly and Ms. Linde Owen:** address various concerns relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Owen comments on the proposed seismic testing.

**Mr. Mike Jackson:** expresses his concerns regarding remarks made by Supervisor Hill.

**Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB):** comments on the upcoming hearing regarding the Paso Robles Groundwater Basin Ordinance.

**Mr. Darren Shelter:** addresses concerns regarding the development of Green Gate Farms in San Luis Obispo.

**Mr. Alan Martyn:** reads a quote from Abraham Lincoln. **No action taken.**

**Board Business:**

14. Submittal of the Fiscal Year 2011-12 Year End Financial Report.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Ms. Julie Tacker, Ms. Linde Owen and Mr. Al Barrow:** speak.

The Board receives and files the FY 2011-12 Year End Financial Report; accepts cash donations in the amount of \$8,958.27 for Animal Services to fund medical care costs and increased adoption of sheltered animals; accepts cash donations and approves a budget adjustment in the amount of \$66,533.65 from the Library’s Gift Trust Fund to the Fund Center 377 - Library operating budget; accepts cash donations in the amount of \$32,444 for Parks; approves a request from the Health Agency for relief from accountability for Public Health – Public Health Laboratory for uncollectable debt in the amount of \$15,136; approves a request from the Health Agency for relief from accountability for Public Health – Environmental Health Services for uncollectable debt in the amount of \$52,477; approves a budget adjustment in the amount of \$4,563 from the Social Services Gift Trust Fund to Fund Center 180 - Social Services Administrative operating budget to purchase special services for children and adults; and approves a budget adjustment in the amount of \$29,400 from California Department of Veterans Affairs Soldier Readiness Program grant funds to Fund Center 186 - Veterans Services, for veteran outreach activities.

**Motion by:** Frank R. Mecham  
**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business:**

15. Submittal of a resolution approving 2012/2013 Final Budget Actions.

**Chairperson Patterson:** opens the floor to public comment without response.

**RESOLUTION NO. 2012-239, a resolution amending County budget resolution number 2012-161 to account for final fund balances, adopted.**

**Motion by:** Adam Hill  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Hearings:**

16. Hearing to consider a resolution supporting an agricultural conservation easement on the Highland Ranch. Supervisorial District 2

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Don Warden:** speaks.

**RESOLUTION NO. 2012-240, a resolution supporting the easement proposal to the California Department of Conservation’s California Farmland Conservancy Program for the Highland Ranch Agricultural Conservation Easement Project, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Closed Session Items:**

17. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 1. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 2. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. PERSONNEL (Gov. Code, § 54957.)

A. It is the intention of the Board to meet in closed session to: 3. Consider Public Employee Annual Performance Evaluation for the Position of Chief Probation Officer.

**ADDED – REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.**

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in closed session to have a conference with its Real Property Negotiator concerning the following: 4. Property Description: APN 013-181-043, Cambria, California; Parties with Whom Negotiating: James Bahringer; Instructions to Negotiator: Price, Terms and Conditions. 5. Property Description: APN 074-144-001, (Southeast Corner of Fearn Ave. and Mitchell Dr.) Los Osos, California; Parties with Whom Negotiating: James Shepherd, Instructions to Negotiator: Price, Terms and Conditions.

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Julie Tacker:** speaks.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items

discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

18. Submittal of a joint resolution between the County of San Luis Obispo Board of Supervisors and the San Luis Obispo City Council to affirm the County and City's ongoing commitment to collaborating with various community partners to address homeless issues.

(This item was withdrawn from the Agenda to allow for additional review per staff’s request. No action taken.)

19. Submittal of a resolution proclaiming October 2012 as "Rideshare Month" in San Luis Obispo County.

Ms. Angela Nelson – San Luis Obispo Regional Rideshare: speaks.

**RESOLUTION NO. 2012-241, a resolution proclaiming October 2012 as “Rideshare Month” in San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

20. Submittal of resolutions recognizing employees for 30 and 35 years of service.

(This item is amended by replacing the resolution for Barbara Bliss to correct the title.)

Mr. David Mayfield – Behavioral Health Department, receives his thirty five year service award, with Ms. Karen Baylor – Behavioral Health Administrator, highlighting his history with the County.

**RESOLUTION NO. 2012-242, a resolution commending Barbara Bliss in recognition of thirty years of service with San Luis Obispo County, adopted as amended; RESOLUTION NO. 2012-243, a resolution commending David Mayfield in recognition of thirty five years of service with San Luis Obispo County; and RESOLUTION NO. 2012-244, a resolution commending Judy Noble in recognition of thirty-five years of service with San Luis Obispo County, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business Continued:**

21. Request to approve a Memorandum of Understanding between Avila Beach Sea Life Center, Avila Beach Community Service District and San Luis Obispo County Parks to transfer parklands for the expansion of the Avila Beach Sea Life Center. District 3.

Chairperson Patterson: opens the floor to public comment.

Ms. Priscilla Kiessig, Mr. Rob Mohle, Mr. Jeff Priolo and Mr. John Wallace – Avila Beach Community Services District: speak.

The Board approves the Memorandum of Understanding between Avila Beach Sea Life Center, Avila Beach Community Service District and San Luis Obispo County Parks for the expansion of t he Avila Beach Sea Life Center.

Motion by: Adam Hill  
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, September 18, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: September 18, 2012